

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated June 9, 2008, (hereinafter Office Action) have been considered but are believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant notes that Claims 3-5 and 9-12 have been canceled without prejudice, thereby rendering any rejections thereof moot. Applicant accordingly request that any such rejections be withdrawn.

Applicant respectfully traverses each of the prior art rejections (§§ 102(e) and 103(a)), each of which is based upon the teachings of U.S. Patent No. 6,473,413 to Chiou *et al.* (hereinafter “Chiou”), because Chiou does not teach or suggest each of the claimed limitations. Specifically, Chiou does not teach formation of a tunnel or use of a tunneling IP address, as claimed in each of the independent claims. Contrary to the assertions at page two of the Office Action, Chiou does not mention any tunnel between access point A (in the home WLAN 10) and the home agent/router 11 (serving the mobile station in the home WLAN 10). Rather, as known in Mobile IP, a tunnel is created between a home agent and a foreign agent when a mobile node accesses the foreign agent in a foreign network. Notably, the Chiou reference makes no mention or use of the term “tunnel”. Thus, the IP address mentioned in the cited portion at column three of Chiou is a conventional IP address of access point A and not a tunneling IP address, as claimed. Since Chiou fails to teach or suggest formation of a tunnel or use of a tunneling IP address, Chiou also fails to correspond to each of the claim limitations directed to transmission and/or use of the allocated tunneling IP address for data transmission to the terminal.

More specifically, Chiou fails to teach or suggest transferring the tunneling IP address from a first access device to a second access device, as claimed. The cited portion at column four merely teaches that access point B (asserted as corresponding to the claimed second access device) looks up its access point AP table to find the IP address of access point A (asserted as corresponding to the claimed first access device). There is no discussion in the cited portion of access point A transferring a tunneling IP address, or

otherwise, to access point B. Moreover, Chiou also fails to teach binding between a tunneling IP address and a network interface of a second access device, as claimed. The cited reassociation procedure is an internal WLAN MAC layer procedure for moving the WLAN association to a new access point. No discussion or evidence has been cited in Chiou that teaches the claimed binding.

In addition, Chiou has not been shown to teach the claimed updating of information concerning a new binding between the network interface of the second access device and a tunneling IP address. Rather, the cited portion of Chiou merely teaches that a foreign agent stores the MAC address of the mobile station and the IP address of the home agent (Col. 4, lines 10-12). There is no mention of updating information concerning a binding with a network interface of a second access device, as claimed. Without a presentation of correspondence to each of the claimed limitations, the prior art rejections are improper.

With particular respect to the § 102(e) rejection, Applicant notes that to anticipate a claim the asserted reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the patent claim; *i.e.* every element of the claimed invention must be literally present, arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain the rejection based on 35 U.S.C. § 102. Applicant respectfully submits that Chiou does not teach every element of independent Claims 1, 13, 16, and 19 in the requisite detail and therefore fails to at least anticipate Claims 1, 8, 13-17, 19, 20, 24, and 25. Applicant accordingly requests that the rejection be withdrawn.

Dependent Claims 8, 14, 15, 17, 20, 24, and 25 depend from independent Claims 1, 13, 16, and 19, respectively, and also stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Chiou. While Applicant does not acquiesce with the particular rejections to these dependent claims, these rejections are also improper for the reasons

discussed above in connection with the independent claims. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited reference. Therefore, the rejection of dependent Claims 8, 14, 15, 17, 20, 24, and 25 is improper, and Applicant requests that the rejection be withdrawn.

With respect to the § 103(a) rejections, Applicant notes that the assertions at page six are incorrect. Contrary to the statement that “[t]his application currently names joint inventors”, the instant application only names one inventor, Henry Petteri Haverinen.

With further respect to the § 103(a) rejections of dependent Claims 2, 6, 7, 18, and 21-23 based upon modifications of Chiou with the teachings of U.S. Publication No. 2002/0141369 by Perras (hereinafter “Perras”) and U.S. Publication No. 2002/0080752 by Johansson *et al.* (hereinafter “Johansson”), Applicant respectfully traverses. As discussed above, Chiou fails to correspond to several of the claimed limitations of independent Claims 1, 16, and 19. The further reliance on Perras and Johansson does not overcome the above-discussed deficiencies in Chiou at least because neither reference has been shown to teach or suggest formation of a tunnel or use of a tunneling IP address, as claimed. Thus, the asserted combinations of the teachings of Chiou with Perras and Johansson do not teach each of the limitations of Claims 2, 6, 7, 18, and 21-23 (which are based upon Claims 1, 16, and 19, respectively), and the rejections should be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner’s statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant’s invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner’s characterizations, conclusions, and rejections in future prosecution.

Also, Claim 1 has been amended to characterize the claimed method from the perspective of a single device – a first access device, and Claims 6, 7, 13, 16, and 19 have been amended to address antecedent basis issues. These changes are not made for any reasons related to patentability or to the asserted references and do not introduce new

matter. These claims, with or without the changes, are believed to be patentable over the teachings of Chiou, Perras, and Johansson for the reasons set forth above.

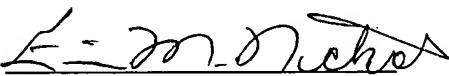
Further, new Claims 26-32 have been added. These claims largely correspond to original Claims 1 and 3-8; therefore, these claims do not introduce new matter. These claims are also believed to be patentable over the asserted references for the reasons set forth above in connection with the independent claims.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.047PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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By: 

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